

**MINUTES
CITY OF SUWANEE, GEORGIA
PLANNING AND ZONING COMMISSION
January 4, 2022**

PLANNING AND ZONING MEMBERS: Present: Michelle Budd, Brad Cox and Alan Dandar. Staff members present: Josh Campbell, Alyssa Durden, and MaryAnn Jackson. Absent: Muthu C. Narayannan and Glenn Weyant

CALL TO ORDER

Michelle Budd called the meeting to order at 6:37 p.m.

ADOPTION OF THE AGENDA

Brad Cox moved to adopt the agenda as presented, second by Alan Dandar. Motion carried 3 - 0.

ADOPTION OF THE MINUTES: December 7, 2021

Brad Cox moved to approve the December 7, 2021 minutes, second by Alan Dandar. Motion carried 3 - 0.

OLD BUSINESS

NEW BUSINESS

RZ-2022-001– Owner: Franklin Property Group LLC and Jennifer Winters Thompson. Applicant: Bruce Rippen, DR Horton. The applicant requests a rezoning from R-100 (Residential Single Family District) to RM-8 (Residential Multi-Family Duplex District) to allow for townhomes. The site is located in Land Lot 212 of the 7th District at the intersection of Suwanee Avenue and Lawrenceville-Suwanee Road and contains approximately 3.06 acres.

Josh Campbell stated that the applicant would like to postpone the request to the next regularly scheduled Planning Commission meeting.

Michelle Budd called upon the applicant.

Jeff Wilkerson, LeCraw Engineering, 3475 Corporate Way, Duluth, GA. Mr. Wilkerson is representing the applicant. He stated that the applicant would like to postpone the request.

Michelle Budd asked if any one would like to speak in support of opposition of the request.

Carmen Turner, no address given. Ms. Turner's mother lives in an adjacent neighborhood. Ms. Turner is concerned about traffic and speeding in the area.

Geneva Kimbrell, 284 Seminole Circle, Suwanee, GA. Ms. Kimbrell stated that the area is already congested. Adding condominiums to the area will increase the traffic. Parking is a major concern. There are cars parked on both sides of the street. This leaves no room for emergency vehicles to get by. It is hard to walk to Town Center from Suwanee Avenue. Ms. Kimbrell is also concerned about what is happening to the greenspace.

Brad Cox moved to postpone RZ-2022-001 until the next regularly scheduled Planning Commission meeting, second by Alan Dandar. Motion carried 3-0.

RZ-2022-002 – Owners: The Larkabit Partnership LP, Elizabeth Rees, TJR Walsh Trust, and Thomas Frithjoff Rees Revocable Trust. Applicant: Toll Brothers. The applicant requests a rezoning from R-140 (Residential Single-Family District) to R-100 (Residential Single Family District) to allow for a detached single residential neighborhood. The site is located in Land Lots 285 and 312 of the 7th District at the end of Settles Bridge Road and contains approximately 121.1 acres.

Josh Campbell presented the staff report as follows: The applicant requests to rezone approximately 121 acres of land from R-140 (Single Family Residential District) to R-100 (Single Family Residential District) in order to allow for the development of a 174-lot single family residential neighborhood. Access is proposed via a single public road onto Settles Bridge Road just northwest of the intersection with Moore Road. An access easement is proposed on the northeastern corner of the property that would provide access to property that is not a part of the proposed rezoning.

The proposed neighborhood is part of a larger 131-acre tract. The applicant is proposing to develop 121 acres of this property and that is the subject of the request to rezoned from R-140 to R-100. The owner of the land is planning to retain 10 acres of the original 131 acre parcel. None is the 10 acres to be retained by the owner is a part of the rezoning request.

The applicant proposed 174 lots that would meet the minimum requirements for R-100 lots (100 feet wide, and 18,500 square feet). With 174 homes on 121 acres of land the project would contain approximately 1.43 units per acre. 3 of the proposed lots would be served by the existing Night Lark Court and one would be served by the existing Settles Bridge Road. The remaining 170 lots would be served by newly developed public roads. The proposed roads would be contained within a 50-foot-wide right of way. The roads are proposed to have 4-foot-wide sidewalks on both sides with 7-foot-wide landscape strips located between the sidewalk and the back or curb. The roads are proposed to be 26 feet wide measured from back of curb to back of curb.

An amenity area is proposed to serve the neighborhood. The amenity area is located near the center of the proposed neighborhood on 3.1 acres and is directly adjacent to a cemetery, which must remain undisturbed, on a 2.5-acre lot. The amenity area includes 3 tennis courts, a 25-yard pool, and a club house. The amenity area would be served by a 65-space parking lot. The applicant proposes a large open space parcel at the northern end of the project and two smaller open space parcels on the southern end of the project.

The 3 open space lots total approximately 16 acres. There is no requirement for a minimum amount of open space in the R-100 zoning district. The applicant could choose to incorporate open spaces into the lots of future homes or keep them under common ownership (HOA).

Finally, the proposal indicates 3 stormwater ponds for the proposed neighborhood. Two of the proposed ponds would be located on the eastern property line. A third pond is located on the western property line. The lots containing the stormwater ponds total approximately 4 acres.

The subject property has not previously been through the zoning process. However, a year ago the same applicant submitted an application for rezoning (RZ-2021-002) to R-75 on the same property. The request from a year ago included more acreage (133 acres) and a total of 263 single family homes (just under 2 homes/acre) on 5 different standard lot sizes, as part of a proposed conservation neighborhood that also included the preservation of approximately 52 acres. The applicant subsequently withdrew the request prior to consideration by the Planning Commission or City Council.

There have been a couple of comparable rezoning requests in the area. In 1998, the City rezoned approximately 63 acres from R-140 to R-100 in order to allow for the development of a 104-lot neighborhood off Suwanee Dam Road, per RZ-98-023. The neighborhood became known as Barrington. The overall density of the neighborhood is approximately 1.65 units per acre.

In 2013, the City rezoned approximately 36 acres of land for 55 lots at the intersection of Moore Road and Short Street, per RZ-2013-003. The neighborhood became the Reserve at Moore Road. The overall density of the neighborhood is approximately 1.5 units per acre.

The following comments are provided to make the developer aware of certain pertinent issues. This is not intended to serve as an all-inclusive list of comments. If approved requested rezoning is approved, the City will formally review the project for compliance with applicable regulations during the development review process.

The subject property is 121 acres. A property of this size in this part of Georgia is likely to contain streams and potentially wetlands. If the project is approved the developer will be responsible for demonstrating compliance with applicable regulations for wetlands, streams, and erosion control.

The rezoning proposal indicates potential locations for stormwater ponds. The City of Suwanee has stormwater regulations that require property under development to provide for water quantity, water quality, and channel protection. The City requires a hydrology report prepared by a professional engineer that demonstrates compliance with these requirements. Compliance will need to be demonstrated prior to the issuance of a development permit. The final number of ponds, size of the ponds, location of the ponds, and provision of other stormwater elements will be determined by that hydrology report

and the approved site plan. The hydrology report and site plan will be reviewed for compliance by an engineering firm on behalf of the City prior to issuance of a development permit.

Erosion Control plans are required prior to the issuance of development permit. Said plans will be reviewed by the Georgia Soil and Water Conservation Commission for compliance with erosion control requirements.

The subject property appears to contain a cemetery. The applicant should be aware that any development of the property will need to comply with state law regarding the treatment of cemeteries.

The subject properties total approximately 121.1 acres located on Settles Bridge Road northwest of the intersection of Moore Road and Settles Bridge Road. The subject property has road frontage on Settles Bridge Road and Night Lark Court. The property is characterized by pastures with rolling topography. There does appear to be a stream on the northern end of the property in addition to having a stream run along the northern property line. A family cemetery is located near the center of the subject property. The applicant is aware of the cemetery and has it marked in the zoning exhibit. The property has been used as a horse farm. There are a number of older structures scattered throughout the property. It would appear that the property can accommodate the proposed development.

The subject property is surrounded by residential uses. To the east are single family homes on large lots in the Suwanee Farms neighborhood (zoned R-140). To the south of the subject property are homes located in the Reserve at Moore Road (zoned R-100) and single-family homes that are part of a smaller development with R-140 lots. To the west of the subject property, in unincorporated Gwinnett County, are homes and lots in the River Club neighborhood (zoned R-100 Gwinnett County). To the north of the subject property, also in unincorporated Gwinnett County, are homes in the Edinburgh Community (Zoned R-100 Gwinnett County) and 12.2 acres of land (some in the City and some unincorporated Gwinnett) that were originally part of the subject property (Zoned R-140 in the City and R-100 in the County). An R-100 neighborhood would be consistent with the surrounding uses and zoning.

The 2040 Comprehensive Plan identifies character areas of the City. The subject property is located within the Suwanee North character area which is characterized by single family homes on large residential lots. The Comprehensive Plan specifically refers to the subject property, stating, "it should be developed as low density residential compatible with surrounding neighborhoods or as a conservation subdivision that concentrates single family residential detached development in clusters and preserves significant open space." The Comprehensive Plan identifies low density residential as 2-4 units per acre. The applicant is proposing to develop the neighborhood with a density of 1.45 units per acre. The proposal meets the expectation for low density single family residential development consistent with the surrounding area. The proposed development is supported by the Comprehensive Plan.

The proposed 175 lot neighborhood would exit directly onto Settles Bridge Road which then intersects with Moore Road at a 4-way stop. Moore Road is a two-lane major collector and Settles Bridge Road is two lane minor collector. Two lane roads can accommodate as much as 2200 vehicles per lane per hour. Different factors (frequency of driveways, width of road, width of shoulder, etc.) may reduce the capacity of roads. Conservatively, Moore Road has the capacity to handle 18,300 trips per day. The most recent traffic counts for Moore Road and Settles Bridge Road are considerably less than this, and the anticipated traffic generated by the proposed neighborhood is considerably less than the difference between the expected capacity of Moore Road and Settles Bridge Road and the most recent traffic counts on those roads.

The requested rezoning for a single-family subdivision is appropriate at this location. Maintaining the character of the Suwanee North character area of the City is important and conditions of approval should be included to protect the existing neighborhoods. The proposed use is consistent with the surrounding uses and zoning districts, the proposed use is consistent with the recommended use for the property and the intensity of development anticipated for the property, and the existing infrastructure, mainly the existing road network can accommodate the vehicular traffic anticipated from the proposed neighborhood. As such, the Planning Department recommends approval with conditions of RZ-2022-002.

Brad Cox asked about connectivity with Settles Bridge Road to the north. Josh Campbell stated that connectivity with Settles Bridge Road is not a part of the proposal. One entrance to the subdivision is sufficient.

Alan Dandar asked about external materials. Josh Campbell stated that the applicant would like to allow for some additional materials. Staff does not object to the use of additional materials.

Michelle Budd called upon the applicant.

Mitch Peevy, 4525 South Lee Street, Suwanee, GA. Mr. Peevy stated that there have been many modifications to this project. R-100 zoning is the best option for this project. Toll Brothers is a higher end home builder. 75 percent of these homes will have basements. The price will range from a million plus. The other 25 percent will be on slabs and will range from \$800,000.00 and up. Mr. Peevy stated that the Van Zant property is not a part of this proposal. There will not be a connection off Settles Bridge Road.

The applicant is in agreement with most of the staff conditions. Mr. Peevy requested a change to condition 1 in relation to the materials being used on the exterior of the homes. Its hard to make the homes look different when using the same material. Mr. Peevy passed out exhibits with the proposed materials and a proposed revision to condition number one.

Alan Dandar asked about revising the condition which references exterior materials. Josh Campbell indicated that he is not opposed to revising the condition as presented by the applicant.

Michelle Budd called for opposition.

Mitch McConnell, 3795 Smithtown Road, Suwanee, GA. Mr. McConnell stated that it is unconscionable for the Planning Commission to hold this meeting during COVID. A lot of citizens were unable to attend because they were afraid of getting sick. This is a huge disservice to the citizens of Suwanee. Mr. McConnell stated that the rezoning application has errors in it. He would like to discuss the errors with Josh Campbell and a Toll Brothers representative. Mr. McConnell asks that the request be postponed.

Don Traywick, 4646 Moore Road, Suwanee, GA. Mr. Traywick stated that there will be an issue with traffic along Moore Road if the request is approved. He would like to see some traffic information.

Lisa Lopez, 777 Rio Vista Court, Suwanee, GA. Ms. Lopez stated that rezoning the last open tract in Suwanee is not consistent the Comprehensive Plan. Toll Brothers entered into a contract knowing that the property was zoned R-140. The applicant did not speak to any of the neighbors in her neighborhood. Ms. Lopez lives and works in Suwanee. She requests that the request be denied.

Michael Sutherland, 4668 Settles Bridge Road, Suwanee, GA. Mr. Sutherland stated that he is a former builder and has lived in Suwanee for 44 years. He stated that The Reserve at Moore Road subdivision is a mix of R-140 and R-100. Mr. Sutherland said the Planning Commission and Josh Campbell are responsible for the combined zoning districts.

Josh Campbell stated that all of the lots in The Reserve at Moore Road are zoned R-100.

Mr. Sutherland stated that The River Club was zoned R-140 until the final phase which is zoned R-100.

Mr. Sutherland indicated that the proposed request was not advertised in the Gwinnett Daily Post and that the sign was not on the property. He tried to contact Josh Campbell but his voicemail stated he was on vacation. COVID is raging which is why a lot of citizens were unable to attend the meeting. Mr. Sutherland also stated that he is disappointed that only three planning commission members are present.

John Rispin, 5114 Meadowbrook Circle, Suwanee, GA. Mr. Rispin stated that Larkabit Farm is a beautiful area. He asked if the topography will stay the same. Josh Campbell explained that a grading plan has not been submitted.

Mr. Rispin indicated that Winship Rees has worked very hard to keep the property beautiful. He is in agreement with the different materials proposed for the exterior of the

homes. Mr. Rispin stated that it would be nice if the exterior lots could be zoned R-140 and the interior lots zoned R-100.

Alan Dandar moved to approve RZ-2022-002 with amended conditions, second by Brad Cox. Motion carried 3-0 (additions = bold, deletions = strikethrough).

1. ~~All homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and/or stone shall be the primary exterior material on all sides. No more than 2 exterior building materials per home.~~ **50% of all homes shall use brick and/or stone as the primary exterior building material on three sides, unless they are adjacent to an external street, in which case brick and /or stone shall be the primary exterior material on all sides. The other 50% of the homes may use material as submitted with the application and be similar to those elevations consisting of a mixture of concrete siding (vertical or horizontal) and brick or stone accents on all four sides. This will allow for a “Craftsman or Farmhouse” look on those homes. No more than 2 exterior building materials per home.**
2. Homes shall be a minimum of 2,400 square feet in size.
3. Sidewalks shall be provided on both sides of all interior streets.
4. Street trees shall be provided on both sides of all interior streets. Street trees shall be located between the sidewalk and the back of curb. Street trees shall be a minimum of 3-inch caliper at the time of planting and spaced on approximately 40-foot centers. If additional right-of-way is needed (beyond the standard 50 feet) in order to avoid conflicts between the street trees and utilities, than additional area may be deducted from the minimum lot size for adjacent lots and interior front yard setback may be adjusted accordingly.
5. A 25-foot wide undisturbed construction buffer shall be provided. Intrusion into the construction buffer shall be limited to disturbance needed to construct access to the property, perpendicular utility crossings and storm water facilities. The construction buffer shall remain in place during the development phase and as much of the home construction phase as practical.
6. All utilities shall be located underground. Existing above ground utilities located on adjacent right-of-ways shall be allowed to remain.

SUP-2022-001 – Owner: JTM Development. Applicant: Jason Aboneaaj. The applicant requests a Special Use Permit to allow for a building height increase for a condominium building in the PMUD (Planned Mixed-Use Development) zoning district. The site is located in Land Lot 235 of the 7th District on Boston Common Street near Town Center Avenue and contains approximately 0.40 acre.

Alyssa Durden presented the staff report as follows: The applicant seeks a Special Use Permit for a building height increase to allow for a 4-story condominium building in Town Center. The applicant proposes to build an 8-unit condominium building comprised of four levels of stacked flats on a 0.40-acre tract. The tract is located along Boston Commons Street between the commercial building at the corner of Town Center Avenue and Boston Commons Street and the commercial building located at the corner of Suwanee Avenue and Boston Commons Street.

The proposed four-story building would be approximately 30,991 square feet and 57 feet high. The project would include a total of 13 parking spaces located beneath and behind the building and an additional 3 parallel parking spaces in front of the building on Boston Commons Street. The building would front Boston Commons Street with a pedestrian entrance directly from the sidewalk along the street. Vehicular access to the gated parking behind the building would be via an existing access driveway between the condos and the commercial building to the south.

The subject property is one of the last remaining vacant tracts in the Town Center Planned Mixed-Use Development. The goals and standards for Town Center were established by the Town Center Master Plan, which was adopted by City Council and incorporated into the zoning conditions for the property in Town Center per RZ-2003-007. The subject property is located in Phase Four of the Master Plan, which states that “the building (in Phase Four) should appear as two to three stories in height.” The proposed building is four stories; therefore, a Special Use Permit is required.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for additional building height.

The subject property is an undeveloped tract of land in Town Center that is bound by Boston Commons Street to the west and Lawrenceville-Suwanee Road to the east. The property was graded years ago, but has remained undeveloped. The site is relatively flat, but Boston Commons Street slopes down from Town Center Avenue, so the proposed building will sit a story lower than the 2 story building located along Town Center Avenue, which was originally on the same tract of land as the subject property. There are no trees or environmental encumbrances on the property. It would appear that the property can accommodate a 4-story condo building and the parking needed to serve the building.

The subject property, located on the eastern edge of Town Center, is surrounded by a mixture of residential and non-residential uses. Across Lawrenceville-Suwanee Road, there are three vacant parcels zoned C-2 and R-100. Across Boston Commons Street is a parking lot that serves a mixed-use building that faces Town Center Avenue. The site sits between two multi-tenant commercial buildings. The rear of a two-story multi-tenant

commercial building that faces Town Center Avenue and the parking lot that serves that building is located directly to the northwest. A one to two story multi-tenant commercial building is located directly to the southeast. Southwest of the subject property, across Boston Commons Street, are 2-3 story townhomes in the Shadowbrook neighborhood. The proposed residential use would be compatible with these surrounding uses, and the proposed building height increase is not likely to negatively impact surrounding properties.

The Town Center Master Plan, which established the design standards for the Town Center PMUD, calls for a variety of uses in a variety of buildings. A residential condominium is consistent with the overall plan and compatible with surrounding residential townhomes, condominiums, restaurants, and retail located in Town Center. One of the overall design goals of the Master Plan was to allow future design flexibility of individual development sites as long as they meet the previously approved design guidelines and overall intent of the Master Plan. The proposed project meets these guidelines with the exception of a specific reference to the number of stories projected for Phase Four of the Master Plan.

While there is no dimensional height limit in the Town Center Master Plan, Phase Four, where the subject property is located, treated the Phase as an “outparcel for a free-standing commercial use, possibly a national retailer” (Town Center Master Plan) and stated that “the building should appear as two to three stories in height, marking the entry to Town Center.” The first building in Phase Four, located at the corner of Suwanee Avenue and Boston Commons Street, was developed as a true two-story multi-tenant building that was more compact than the building illustrated and more conducive to the walkable environment envisioned for Town Center. The reduced building footprint left room in Phase Four for a second building, which is where the proposed building is planned.

One of the intentions of the Master Plan is to create a sense of presence for Town Center using several design strategies including building heights. Height is encouraged in the Master Plan, which includes building height minimums (not maximums) ranging from 30 feet minimum for a single story building to 45 feet minimum for mixed-use buildings.

The more recently adopted 2040 Comprehensive Plan reinforces the intention for tall buildings in Town Center. The Vision Statement in the Comprehensive Plan states that “development types closer to downtown will be taller, denser and highly walkable.”

Many of the buildings in Town Center are three stories including the mixed-use buildings that line Town Center Avenue. Although these buildings are only three stories, they are approximately 52 feet high due to the higher ceilings on the ground floor retail level. As Town Center has matured and expanded down Buford Highway per the vision of the 2015 Downtown Suwanee Master Plan and the 2040 Comprehensive Plan, new multi-family and mixed-use buildings have been constructed that are four stories and approximately 66 feet tall. The proposed condominium building would be 57 feet high and is consistent with the height of these other buildings.

Approval of the request would be appropriate for this location. The proposed increase in building height from three stories to four stories is not likely to have a negative visual impact on Town Center and is consistent with the intent of the Town Center Master Plan and vision of the 2040 Comprehensive Plan. Therefore, the Planning Department recommends approval with conditions of SUP-2022-001.

Michelle Budd called upon the applicant.

Jason Aboneaaj, 320 Town Center Avenue, Suwanee, GA. Mr. Aboneaaj stated that condominiums flats are a desirable product in Town Center. The original plan was for six units. Unfortunately, the cost of goods has increased so he is requesting to construct eight units.

Michelle Budd asked about the price point.

Mr. Aboneaaj indicated that the price point will be between \$300 to \$350 a square foot.

Michelle Budd called for opposition. There was none.

Brad Cox moved to approve SUP-2022-001 with staff conditions, second by Alan Dandar. Motion carried 3-0.

1. The building shall not exceed four stories or 57 feet in height.
2. Architecture should be similar to that shown in Exhibit B.
3. Final architecture shall be subject to the approval of the Planning and Inspections Department.

OTHER BUSINESS

ANNOUNCEMENTS

ADJOURNMENT

Alan Dandar moved to adjourn 7:25 p.m.